

107TH CONGRESS  
2D SESSION

# S. 2598

To enhance the criminal penalties for illegal trafficking of archaeological resources, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 6, 2002

Mr. LEAHY (for himself, Mr. INOUE, Mrs. CLINTON, Mr. BINGAMAN, and Mrs. BOXER) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To enhance the criminal penalties for illegal trafficking of archaeological resources, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Enhanced Protection  
5       of Our Cultural Heritage Act of 2002”.

6       **SEC. 2. ENHANCED PENALTIES FOR CULTURAL HERITAGE**  
7       **CRIMES.**

8       (a) **ENHANCED PENALTY FOR ILLEGAL TRAF-**  
9       **FICKING IN ARCHAEOLOGICAL RESOURCES.**—Section 6(d)  
10       of the Archaeological Resources Protection Act of 1979

1 (16 U.S.C. 470ee(d)) is amended by striking “not more  
 2 than \$10,000” and all that follows through the end of the  
 3 subsection, and inserting “not more than \$100,000, im-  
 4 prisoned not more than 10 years, or both.”.

5 (b) ENHANCED PENALTY FOR EMBEZZLEMENT AND  
 6 THEFT FROM INDIAN TRIBAL ORGANIZATIONS.—Section  
 7 1163 of title 18, United States Code, is amended by strik-  
 8 ing “five years” and inserting “10 years”.

9 (c) ENHANCED PENALTY FOR ILLEGAL TRAF-  
 10 FICKING IN NATIVE AMERICAN HUMAN REMAINS AND  
 11 CULTURAL ITEMS.—Section 1170 of title 18, United  
 12 States Code, is amended—

13 (1) in subsection (a), by striking “or impris-  
 14 oned not more than 12 months, or both, and in the  
 15 case of a second or subsequent violation, be fined in  
 16 accordance with this title, or imprisoned not more  
 17 than 5 years” and inserting “imprisoned not more  
 18 than 10 years”; and

19 (2) in subsection (b), by striking “imprisoned  
 20 not more than one year, or both, and in the case of  
 21 a second or subsequent violation, be fined in accord-  
 22 ance with this title, imprisoned not more than 5  
 23 years” and inserting “imprisoned not more than 10  
 24 years”.